

**ORDINANCE NO. 08-1492**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE V "EMPLOYEE BENEFITS," DIVISION 2 "PENSION PLAN," SECTIONS 2-182 "VESTED RIGHTS; EFFECT OF SALARY PAYMENTS, DEDUCTIONS FOR PLAN" AND 2-176 "SERVICE RETIREMENT ALLOWANCE"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Board of Trustees of the Town of Surfside Retirement Plan for Employees has recommended the amendment of the retirement system to conform with the negotiated provisions in Article 31 of the collective bargaining agreement between the Fraternal Order of Police ("FOP") and the Town of Surfside in effect from October 1, 2007 through September 30, 2010 (the "Agreement");

**WHEREAS**, the Agreement was ratified in December of 2007;

**WHEREAS**, the Town also has entered into an employment agreement with an individual for the office of Town Manager (the "Agreement");

**WHEREAS**, the Agreement calls for certain pension benefits necessitating an amendment of the Code; and

**WHEREAS**, the Commission of the Town of Surfside concurs that the adoption of these amendments to the Pension ordinance to accommodate both police concerns and manager concerns is in the best interests of the citizens and taxpayers of the Town.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA:**

**Section 1. Code Amended.** The Town Code is hereby amended by amending Section 2-182(b)

“Vested rights; effect of salary payments, deductions for plan” included in Chapter 2  
“Administration,” Article V “Employee Benefits,” Division 2 “Pension Plan,” which shall read  
as follows.<sup>1</sup>

\* \* \*

(b) Police officer members, by virtue of the payment of the contributions required to be paid to the plan, receive a vested interest in the accrued benefits earned by the police officer member upon completion of ten years of creditable service, regardless of age. Effective October 1, 2007, police officer members shall vest after five (5) years of creditable service. The vested interest in the accrued benefits earned by police officer members who became members on or after February 1, 2003 varies by completion of years of creditable service, regardless of age, as follows:

TABLE INSET:

Completed Years of Creditable Service	Vested Interest, %
Less than 5	0
5 or more, but less than 6	<del>50-</del> 100%
<del>6 or more, but less than 7—</del>	<del>60-</del>
<del>7 or more, but less than 8—</del>	<del>70-</del>
<del>8 or more, but less than 9—</del>	<del>80-</del>
<del>9 or more, but less than 10—</del>	<del>90-</del>
<del>10 or more—</del>	<del>100-</del>

If separated from service, such vested police officer member shall be entitled to a service retirement annuity commencing on the attainment of 62, provided the member has not received a refund of the member's contributions to the plan.

\* \* \*

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<sup>1</sup> Additions to existing text are shown by underline; deletions are shown by ~~strike through~~

**Section 2. Code Amended.** The Town Code is hereby amended by adding a new subparagraph (a)(3) to Section 2-176 "Service Retirement Allowance" included in Chapter 2 "Administration," Article V "Employee Benefits," Division 2 "Pension Plan," which shall read as follows:

\* \* \*

(3) For the Town Manager:

The attainment of age 64 and the completion of 7 years of creditable service, who shall be deemed fully vested upon the completion of 7 years of creditable service, notwithstanding any provision of this Code to the contrary.

\* \* \*

**Section 3. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4. Inclusion in the Code.** It is the intention of the Commission, and it is hereby ordained that this Ordinance shall become and be made a part of the Town of Surfside Code; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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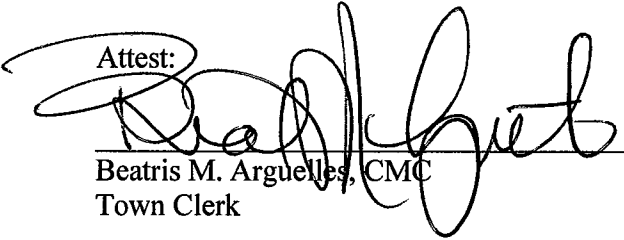
**Section 5. Conflicts.** Any and all ordinances and resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** This Ordinance shall become effective upon final passage.

**PASSED and ADOPTED** on First Reading the 13 day of MAY, 2008.

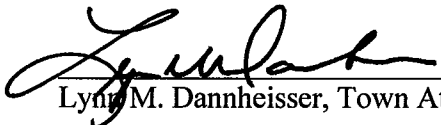
**PASSED and ADOPTED** on Second Reading this 27<sup>th</sup> day of May, 2008.

Attest:

  
Beatris M. Arguelles, CMC  
Town Clerk

  
Charles W. Burkett, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

  
Lynn M. Dannheisser, Town Attorney

Moved by: Vice Mayor Imberman

Second by: Commissioner Levine

**Vote:** 5-0

Mayor Burkett	yes	<u>x</u>	no	<u>    </u>
Vice Mayor Weinberg	yes	<u>x</u>	no	<u>    </u>
Commissioner Calderon	yes	<u>x</u>	no	<u>    </u>
Commissioner Imberman	yes	<u>x</u>	no	<u>    </u>
Commissioner Levine	yes	<u>x</u>	no	<u>    </u>

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